

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JEFFREY MOLITOR, et al.,

Plaintiffs,

v.

MANASSEH JORDAN MINISTRIES,
INC., a New York Religious
Corporation, et al.,

Defendants,

KINGDOM MINISTRIES CHURCH,
INC.,

Movant.

CIVIL ACTION FILE NO.

1:17-cv-2408-WSD-CMS

ORDER

This action is before the Court on two Motions to Quash Subpoenas filed in connection with a lawsuit pending in the United States District Court for the Northern District of Illinois, Civil Action No. 1:16-cv-2106, Jeffrey Molitor, et al. v. Manasseh Jordan Ministries, Inc., et al. (the “Underlying Action”). [Docs. 1, 5]. The motions are filed by a non-party to the Underlying Action, Kingdom Ministries Church, Inc. (“Kingdom Ministries”) concerning two subpoenas issued by Plaintiffs; one subpoena is for a deposition and the other is for the production of

documents. [Docs. 1, 1-2, 5, 5-1]. Kingdom Ministries is a Georgia nonprofit corporation with its principal office located in Jonesboro, Georgia.

Pursuant to Federal Rule of Civil Procedure 45, subpoenas are issued from the court where the underlying action is pending, while challenges to subpoenas, such as the two pending motions to quash, are heard by the district court encompassing the place where compliance with the subpoena is required. Fed. R. Civ. P. 45(a)(2), (d)(3)(A). Rule 45(f), however, allows the compliance court to transfer a motion under Rule 45 to the issuing court if the person subject to the subpoena consents and/or if the compliance court finds exceptional circumstances:

When the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances. Then, if the attorney for a person subject to a subpoena is authorized to practice in the court where the motion was made, the attorney may file papers and appear on the motion as an officer of the issuing court. To enforce its order, the issuing court may transfer the order to the court where the motion was made.

Fed. R. Civ. P. 45(f).

I held a telephonic hearing on the motions on July 12, 2017, after which the parties filed a Notice of Consent to Transfer Motions to Quash, indicating that both Plaintiffs and Kingdom Ministries consent to this Court transferring the pending motions to quash to the issuing court in Illinois. [Doc. 9].

Because Kingdom Ministries, i.e., the “person subject to the subpoena,” has consented to transfer, I hereby ORDER that the two pending motions to quash be transferred to the issuing court, the United States District Court for the Northern District of Illinois, pursuant to Federal Rule of Civil Procedure 45(f).

The Clerk is **DIRECTED** to close this case.

SO ORDERED, this 18th day of July, 2017.



Catherine M. Salinas
United States Magistrate Judge